

Revision: HCFA-PM-95-1
March 1995

(MB)

SUPPLEMENT 10 to ATTACHMENT 2.6-A
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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: OHIO

The agency does not apply the trust provisions in any case in which the agency determines that such application would work an undue hardship.

The following criteria will be used to determine whether the agency will not count assets transferred because doing so would work an undue hardship:

Undue hardship exists when the application of the trust provisions would deprive the individual of medical care such that his health or his life would be endangered.

When it is determined that applying the trust provisions would endanger the individual's medical care such that his life would be endangered, the individual is notified of the right to claim an undue hardship. The individual has the burden of proving that undue hardship exists.

The agency will use the following procedures to determine if undue hardship exists:

- The individual must provide a full written account of why undue hardship exists.
- The individual must submit any pertinent documentary evidence such as legal documents, third party statements and/or medical evidence to support a claim of undue hardship
- The individual attempts to make the resources available by consulting with legal counsel.

TN No. 01-003
Supersedes
TN No. 91-28

Approval Date 5-14-01

Effective Date 4/195 1/1/01